

PUBLIC WORKS COMMITTEE

DATE: December 18, 2008

CALLED TO ORDER: 5:30 p.m.

ADJOURNED: 6:53 p.m.

ATTENDANCE

ATTENDING MEMBERS

Benjamin Hunter, Chair
Brian Mahern
Dane Mahern
Angela Mansfield
Janice McHenry
Mary Moriarty Adams
Christine Scales
Mike Speedy

ABSENT MEMBERS

Ginny Cain

AGENDA

PROPOSAL NO. 585, 2008 - authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis, Marion County with Hamilton county for the construction of highway and drainage improvements in Marion and Hamilton Counties

"Do Pas" Vote 7-0

PROPOSAL NO. 586, 2008 - authorizes a multi-way stop at the intersection of Heather Hills Road and Rockford Road (District 18)

"Do Pass" Vote 7-0

PROPOSAL NO. 587, 2008 - authorizes a multi-way stop at the intersection of 36th Street and Drexel Avenue (District 10)

"Do Pass" Vote 7-0

PROPOSAL NO. 588, 2008 - authorizes a multi-way stop at the intersection of Miller Street and Moreland Avenue (District 19)

"Do Pass" Vote 7-0

PROPOSAL NO. 589, 2008 - authorizes parking restrictions on Auburn Road between 34th Street and 34th Place (District 7)

"Do Pass" Vote 7-0

PROPOSAL NO. 590, 2008 - authorizes intersection controls in the Southern Ridge subdivision, Sections 2, 3 and 4 (District 25)

"Do Pass"

Vote 7-0

PROPOSAL NO. 591, 2008 - authorizes intersection controls in the Creekside Meadows subdivision, Sections 2 and 3 (District 21)

"Do Pass"

Vote 7-0

PROPOSAL NO. 592, 2008 - authorizes intersection controls in the Amber Ridge subdivision, Section 2 (District 25)

"Do Pass"

Vote 7-0

PROPOSAL NO. 593, 2008 - authorizes intersection controls in The Woods at Liberty Park (District 21)

"Do Pass"

Vote 7-0

PROPOSAL NO. 594, 2008 - authorizes intersection controls in the Shannon Lakes at Murphy's Landing subdivision, Sections 1, 2A, 2B, 3, 4, 5 and 6 (District 22)

"Do Pass"

Vote 7-0

PROPOSAL NO. 595, 2008 - authorizes a 20-mile-per-hour speed limit in the Arlington Commons subdivision (District 25)

"Do Pass"

Vote 7-0

PROPOSAL NO. 607, 2008 - authorizes a multi-way stop at the intersection of 69th Street and Hillside Avenue (District 3)

"Do Pass"

Vote 7-0

PUBLIC WORKS COMMITTEE

The Public Works Committee of the City-County Council met on Thursday, December 18, 2008. Chairman Benjamin Hunter called the meeting to order at 5:30 p.m. with the following members present: Brian Mahern, Dane Mahern, Angela Mansfield, Janice McHenry, Mary Moriarty Adams, Christine Scales, and Mike Speedy. Ginny Cain was absent.

Chair Hunter asked for consent to move the Fuel Surcharge report to the beginning of the agenda. Consent was given.

Pat Carroll, Deputy Director, Department of Public Works (DPW) said he is re-submitting the proposal that was discussed at the December 4, 2008 committee meeting. He said this report concludes that emergency services officers be assessed a fuel surcharge once the Oil Price Information Service Average (OPIS) daily retail price reaches \$3.00 per gallon. Employees would be charged the equivalent of a tank of gas, which is seventeen gallons of gas at \$3.00 or \$51.00; and once it reached \$4.00 per gallon, employees would be charged for 17 gallons of gas at \$4.00, or \$68.00. These charges would go into effect for a ninety-day period, and be reassessed during that time. Emergency service employees could opt-out of this program if they desire.

Mr. Carroll said this was the Fuel Board's proposal, and it was carried by a vote of 5-2. Councillor Moriarty Adams asked if this charge was for one fill-up per month, Mr. Carroll answered in the affirmative. He said these amounts are based on the average retail price; it is a monthly charge; and it is for Emergency Service workers that have take-home vehicles.

Councillor Speedy asked how quickly this proposal would go into effect. Mr. Carroll said some details still need to be worked out with the Controller's Office (OFM), but he suspects that the change can be made quickly. Councillor Speedy asked if this policy, based upon the price, will be in effect for ninety days. Mr. Carroll answered in the affirmative. Mr. Carroll said they would re-evaluate it during the ninety days so that at the end of that period, they would know how to proceed next. Councillor Speedy asked who makes the determination of the average price. Mr. Carroll said there is a standard, wide-spread information service index, which can be obtained through e-mail or on the internet daily. He said the Indianapolis Average Daily Retail report would be checked, and if there is an increase, DPW will inform the Controller's office. Councillor Speedy asked if the Fuel Board would call an official meeting at that point. Mr. Carroll said that when gas reaches \$3.00 per gallon, OFM would begin to assess the charge.

Councillor Scales asked if the \$51.00 monthly charge will remain in effect for ninety days, even if the price increases to \$4.00 per gallon. Mr. Carroll answered in the affirmative. He said the price would be re-evaluated based on the Opus Average Daily Price. Councillor Scales asked if \$4.00 would be the maximum charge in the event gas prices increased to \$5.00 per gallon. Mr. Carroll answered in the affirmative. He also said the Fuel Board will re-analyze the assessed fees in December 2009.

Councillor McHenry asked if the fees were \$3.00 June 1, but decreased to \$2.50 on June 15, would the charges still remain in effect for ninety days. Mr. Carroll answered in the affirmative.

Councillor Mansfield asked if there was a study conducted that compared the number of gasoline usage for on-patrol vehicles versus non-patrol vehicles. She said everyone does not have take-home vehicles, and it seems that the employees that do not take their vehicles home can have their gas usage measured. Mr. Carroll said he would have to refer that question to the Indianapolis Metropolitan Police Department (IMPD), because Fleet Services does not keep track of personal and business mile usage for each officer.

Brian Roach, Deputy Chief, IMPD, said there are about 125 officers that do not have take-home vehicles. He said gas usage has been compared between officers that have take-home vehicles and officers that do not. He said they could not obtain an accurate number because some vehicles commute to and from work, and some commute to the courts.

Councillor Mansfield asked if personal fill-ups were equivalent to four fill-ups per month. Mr. Roach answered in the affirmative. Councillor Mansfield said she believes it is important to have take-home vehicles for the public's sake. She said the presence of police vehicles in the community is very helpful, and is convenient in the event of an emergency. She said at the same time, she recognizes the city is paying for fuel for personal use, and for employees that have second jobs.

Councillor McHenry said she also likes having a police presence in the neighborhoods, and they are a deterrent for crime. She said the present officers were given take-home vehicles as a benefit, and now they have to pay for the use of their vehicle, a tool necessary to do their job. She said she can understand these changes being implemented for new coming officers, but not for the ones currently employed who have had this benefit all along. She said this is seemingly taking away a benefit in the middle of a contract that has already been signed.

Chair Hunter said the use of take-home vehicles is not a benefit. Mr. Carroll said if the vehicles were a fringe benefit, the officers would pay an excess of \$1000 every six months, but he said the Internal Revenue Service (IRS), does not categorize the vehicles as a fringe benefit. Mr. Carroll said the vehicles are considered a working condition benefit that should have minimal use.

Dave Sherman, Director from DPW staff, said when he first joined the Fuel Board, he revoked 100 take-home vehicles in an effort to reduce spending. Mr. Sherman said they are trying to look at the best approach across the board. He said employees can always opt-out of the program if they do not want to participate. He said he wants everyone to realize that several departments had this perk, and it does not just affect officers.

Councillor Brian Mahern asked is there any indication that the adoption of the Fuel Board surcharge will discourage an officer from taking their vehicle home. Mr. Roach said he has not seen any indication of that.

Scott Newman, Director, Department of Public Safety (DPS), said there are two separate opt-out programs. He said one program would require officers to give up their vehicle, and the second program would allow an officer to opt-out of the fee, but they could use the car for business use only. He said he thinks that an officer that has a vehicle for personal use may choose the second program. Mr. Newman said it is in the authority of the Fuel Board to regulate that option. He said the monitoring of this program may place some responsibility on the officer's peers; and, they are considering issuing a sticker for vehicles to indicate that an officer is on duty.

Councillor Dane Mahern asked if the commute to and from work is considered to be personal time. Mr. Sherman said that would be considered business use. Councillor Dane Mahern said he is concerned, because an employee's work shift does not start until they actually get to work. He said most average employers do not pay employees for their commute to and from work, and that he still sees that time as personal use, because there is nothing to prevent an employee from stopping to do personal errands. Mr. Newman said that there is a law that states sometimes the commute to and from work is covered under the scope of employment if the vehicle is transporting special equipment. Chair Hunter said from his past experience, even if an officer was involved in an accident in their neighborhood, until they pull into their driveway, they are considered on duty by Human Resource's standards.

Councillor Mansfield said there is an interest in having the police vehicles in the community, and she does not see their commute time as personal time. She said she does have a problem with police officers using their vehicles for second jobs, and taking their families out. Chair Hunter said the actual Fuel Board's policy states the vehicles are for official use only. Mr. Carroll said he will check to see if there will be a tag issued that says for official use only.

Councillor Moriarty Adams asked Mr. Carroll if he knows how much revenue will be generated when gas reaches \$3.00 or \$4.00 per gallon. Mr. Carroll said if it reached \$3.00 per gallon and lasted for 26 pay periods, there would be approximately \$840,000 in revenue generated, and that would cover 1900 Emergency Services workers. He said they still need to get definite numbers from the departments and agencies.

Councillor Brian Mahern said not all personal use is the same, and there may be a greater use if it is related to generating income as opposed to an officer taking their family out. He asked if those circumstances were taken into consideration. Mr. Newman said they do not keep track of business versus personal vehicle use. He said the general consensus was if there is a charge implemented for one tank of gas per month, at a 17-gallon capacity, that would be a conservative figure, less than the average use. He said the policy gives the benefit of the doubt to the officers. Mr. Newman said they were trying to establish a balance, and all parties affected by this change were present at the discussions concerning this surcharge.

Chair Hunter said the Fuel board is a bi-partisan group that includes ranking Republican, Councillor Speedy, and ranking Democrat, Councillor Moriarty Adams.

Councillor Mansfield asked why the board only chose to address 25% of personal use, as this charge only relates to one tank of gas per month. Mr. Sherman said everyone was affected by the price of fuel, and all departments were asked to conserve. He said the purpose of the surcharge is not to generate money, but to strike a balance for everyone that allows for sacrifices across the board. He said the 25% usage seems to be a fair start toward conservation. He said the fact that this charge is for a ninety day period will not make it as difficult for employees, and there is still the advantage of having the vehicles in the public. Mr. Sherman said this is also fair to other departments that have non-emergency-use vehicles such as DPW, the Department of Metropolitan Development (DMD), etc. He said this is a measurement program that everyone can work it, and it shows that everyone is taking action to conserve.

Councillor Mansfield asked if IMPD or DPS will provide information in the future that compares the difference between business and personal use of vehicles. Mr. Roach answered in the negative, but he said some vehicles have indicators that monitor excessive gas being put in the tanks. He said that report is given to the district majors to address with employees, obtain an explanation if necessary, and that it is an ongoing process.

Mr. Sherman said he has put out a letter for all departments in DPW to start monitoring usage and mileage. Mr. Carroll said he misquoted the dollar amount of \$840,000. He said the amount will be slightly higher, because he was figuring on a bi-weekly basis instead of once a month. Chair Hunter said the law that passed to create the Fuel Board, states there has to be a review of the charges annually by December 1, and a recommendation will be sent each year to the Public Works Committee to be voted on.

Councillor Dane Mahern said he is still uncomfortable with the enforcement of personal use to and from work. He said if an employee is in violation, there is no tracking device in place to confirm that. Mr. Carroll said DPW will review the options for employees opting-out of the fuel surcharge. He said they may provide stickers that state for official use only.

Councillor McHenry asked if an employee has the flexibility and opting in and out of the program. Chair Hunter said that it is a policy that will be determined by Mr. Newman. Mr. Newman said a ninety day window period has been chosen to minimize the amount of administrative work that has to be done with the implementation of this policy. He said once the decision has been made to participate or not to participate in the program, it should not be revisited. He said there will be benefits on the officer's side at time, and benefits on the government's side at times. He said whether they opt-in or opt-out of the program, their decision will be effective for ninety days. Mr. Carroll said he believes that Frank Anderson, Sheriff, will decide the policy for the Sheriff's vehicles.

Councillor Brian Mahern asked if they plan to clarify to the term, personal use, so that officers know their boundaries of work and personal use. Mr. Newman said the idea of the program has been conveyed.

Mr. Sherman most of the issues as it relates to personal use, have been debated on for close to a year.

Councillor Moriarty Adams asked Mr. Carroll to confirm that there are 1900 emergency services workers. Mr. Carroll said 1600 employees are with IMPD, 260 are with the Sheriff's department, and approximately 40 are with the Indianapolis Fire Department (IFD). Mr. Carroll said those numbers need to be verified by the departments within the agencies, but that is an estimate. Councillor Moriarty Adams said she wanted to know how the FOP, and the IFD's union representatives felt about the policy. Mike Reeves, President, Firefighters Local 416, said there are 63 cars assigned to personnel and IFD. He said Brian Sandford, Chief, IFD, plans to remove 30 of those cars because they are non-emergency vehicles. Mr. Reeves said that he does not have a problem with what has transpired. He said IFD's administration has stepped up to remove take-home vehicles that are non-emergency. He said this policy will not have a negative effect on the membership that he represents.

William Owensby, President, FOP, said he does not have a major issue with the surcharge, but even at \$51.00, they are paying more than any other department in the state. He said there are several counties that are involved in a fuel surcharge program, and none of them are paying more than \$40.00 per month. He said in one context, the surcharge makes sense, in another context, it doesn't; and, once the \$68.00 mark is reached, it is too high. He said the raise they negotiated in 2006 would be consumed by the \$68.00 surcharge. Mr. Owensby said the opt-out clause is available to any officer who wants to use it. He said, he thinks the personal use questions will take care of themselves. He said he and the police chief have had discussions about this matter, and there will be some serious penalties for officers that do not adhere to the policy. Mr. Owensby said he thinks the surcharge is the right thing to do for public perception, but this surcharge relates mainly to the city's 1600 police officers. Mr. Owensby said he has given the FOP members plenty of time to voice their concerns about this policy. He said the consensus has been that they do not want to do it, but they understand it.

Councillor Moriarty Adams asked Mr. Owensby if he submitted this as a vote the FOP membership. Mr. Owensby answered in the negative.

Councillor Scales asked Mr. Owensby if the comparison that he made with other departments in the state was based on a monthly surcharge regardless of what the fuel prices are, or if the surcharge went into effect once gas prices reach \$3.00 per gallon. Mr. Owensby said he believes those departments enacted their surcharge when the fuel prices were around \$3.50 per gallon, and there is an ongoing payment. Mr. Owensby said right now this is a good deal for the surcharge program.

Councillor Dane Mahern asked Mr. Owensby would the FOP prefer a \$40.00 monthly ongoing fee, or would the FOP want a fee when gas prices reach \$3.00 or \$4.00 a gallon. Mr. Owensby said he would support this current proposal, given those two parameters. He said he feels a lot more comfortable with the \$51.00 surcharge as opposed to the \$68.00 surcharge.

Chair Hunter said he wanted to reiterate to the Public that the law approving this surcharge was already passed in August of 2008. He said the Fuel Board Committee has met, and the Public Works Committee's responsibility is to ratify the board. He said the Committee can not change the decision of the board; he said they would have to send it back to the board, or vote for or against an issue. Chair Hunter said the Public Works committee does not dictate policy for the Sheriff, Emergency Management Director, or the Director of Public Safety, and he asked the public to not discuss policy.

Chris Bailey, Labor & Management Committee, FOP, said he understands that the committee can not change the proposal, but he asked if they would deny the proposal and send it back to the Fuel Board committee for re-negotiation. He said he does not believe that anyone on the Police Department has a problem paying the fee, but the second tier is what he has a problem with. He said two weeks ago he was off duty and encountered an accident that had occurred on Interstate 465. He said the car had flipped around and was facing on-coming traffic. The victim had a three and a half hour wait before the State police could assist her. Mr. Bailey said he stopped to assist the victim. He asked if this benefit would be worth giving up for \$51.00 a month. He also said that the police department is one of few departments that is already generating revenue for the city. He said they generate revenue through writing tickets, and seizing property and assets from narcotics transactions. He said he would appreciate a no-vote by the committee, and asked that the proposal be sent back to the Fuel Board for re-negotiation.

Aaron Sullivan, former president, FOP, said last year he spent several hours negotiating a salary increase for police officers, and now this proposal would deprive officers of their full negotiated salary, one of which they agreed to in good faith with the city. He said the police officers that he has spoken with feel there are other solutions. He said officers began making concessions at the end of 2006. Mr. Sullivan said 80% officers agreed to accept a zero pay increase in 2007. He said currently the Police force employs 1,580 officers; this number is down from 1,640 officers with the last administration. He said

every day they make unsafe manpower concessions, doing more with less. In addition, he said they did not receive the 100 officers the force was promised. Mr. Sullivan said the city made a promise to police officers to increase their base salary of approximately 3% over the four years of the new contract. He said if this policy is implemented in 2009, it will deprive police officers of approximately half of the contracted raise for that year. He said officers also agree with the Internal Revenue Service. He said that Congress directed the IRS not to require payment of a tax from police officers for their use of vehicles, even with limited personal use. Mr. Sullivan requested that the proposal be sent back to committee for review.

Pat Andrews, Vice President, Marion County Alliance of Neighborhood Associations, said it is not asking a lot for officers to pay for one of four tanks of gas per month. She said the issue of a second job is a strong argument, and it would be good for the public to have information on how much of the vehicles use is involved. She said she has heard stories of officers sitting at second jobs, and allowing their vehicles to continue to run. She asked where the public could call with their view of this proposal, and if someone can address how the situation for reserve officers will be handled. She asked how will be officers that do not get a paycheck pay for the use of a take-home vehicle. She said this proposal is a step in the right direction.

Councillor Speedy motioned, seconded by Councillor Moriarty Adams, that the committee accept and ratify the report by the Fuel Surcharge Committee. The motion carried by a vote of 8-0.

PROPOSAL NO. 585, 2008 - authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis, Marion County with Hamilton County for the construction of highway and drainage improvements in Marion and Hamilton Counties

Larry Jones, Deputy Director, DPW, said he is presenting an inner agency agreement between Hamilton County, Indiana, and the City of Indianapolis. This is a project that Hamilton County intends to build on 96th Street between Mollenkopf and Fall Creek roads. He said in the state of Indiana, each county is responsible for its south and east boundaries. He said 96th Street is the responsibility of Hamilton County. Mr. Jones said the project improves the intersections at Mollenkopf and Fall Creek Roads. There will be a traditional signal at Mollenkopf Road, and a round-about at the 96th Street and Fall Creek Road intersection, but the acquisition of right-a-ways is required in Hamilton and Marion Counties. Mr. Jones said the inner local agreement authorizes Hamilton County to use their powers of eminent domain on land in Marion County. He said the plans have been reviewed, and he is comfortable with the designs. He said there are 8-10 parcels of land along the south side of 96th Street, and along the east side of Fall Creek Road that are going to be acquired. There will be no buildings involved, just land. Mr. Jones said this project has already been presented to the DPW board, and they have approved the resolution.

Councillor Moriarty Adams asked if this project had to be approved by the Hamilton County Council. Mr. Jones answered in the affirmative. He said that they have already approved the project, and enacted an ordinance on it as well. Councillor Moriarty Adams asked Mr. Jones if he anticipated having to use eminent domain on this project. Mr. Jones said he did not think eminent domain would have to be used, but because it involves land acquisition, the possibility is there if a property owner is not willing to accept an offer.

Councillor Mansfield asked again if there were any homes involved in this project. Mr. Jones answered in the negative. Councillor Mansfield asked if the owners have already been made aware that this project is a possibility. Mr. Jones said there have been public meetings, but he is not sure that they have been contacted through the appraisal process. Councillor Mansfield said she was not referring to the appraisal process. Mr. Jones said there has been a public information meeting about this project, but he does not know if each individual was notified.

Brad Davis, Director, Hamilton County Highway Department, said each owner has been notified.

Councillor McHenry asked what is the most amount of land that any property owner would lose. Mr. Jones said the most land acquired would be around the southwest corner of 96th and Fall Creek, he said that is equivalent to approximately one parcel of land.

Councillor Scales asked who would be responsible for any future road maintenance. Mr. Jones said this is Hamilton County's project, and 96th Street is their responsibility to maintain. He said Marion County would be responsible for the south-end corner of the round-about, and the intersection is Hamilton County's responsibility.

Councillor Moriarty moved, seconded by Councillor Scales to send Proposal No. 585, 2008 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

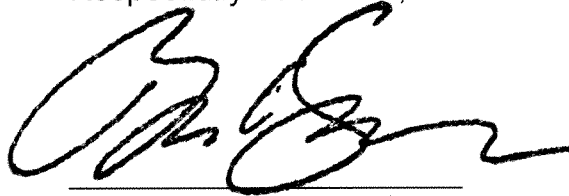
Chair Hunter asked for consent to take Proposal Nos. 586-595 and Proposal No. 607, 2008 together. Consent was given.

Councillor Moriarty Adams asked Nathan Sheets, Senior Project Manager, DPW, if the Councillors sponsoring the proposals have approved them. Mr. Sheets answered in the affirmative.

Councillor McHenry moved, seconded by Councillor McHenry to send Proposal Nos. 586-595, and 607, 2008 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 7-0.

There being no further business, and upon motion duly made, the meeting was adjourned at 6:53 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'B. Hunter', written over a horizontal line.

Benjamin Hunter, Chairman

BH/cj